

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to delivery devices used for commercial purposes, licensing of commercial delivery services, and protections for contracted delivery workers, and to repeal section 10-157.1 of such code, relating to signs with bicycle safety procedures, section 20-563.1 of such code, relating to licensing of third-party food delivery services, section 20-563.9 of such code, relating to denial, renewal, suspension and revocation of such license, and section 20-563.13, relating to outreach to third-party food delivery services and food service establishments

Be it enacted by the Council as follows:

1 Section 1. Section 10-157 of title 10 of the administrative code of the city of New
2 York, as amended by, and paragraphs 1, 2, and 3 of subdivision b as added by, local law number
3 91 for the year 2017, subdivisions g and h as amended by local law number 151 for the year 2023,
4 and subdivision l as added by local law number 41 for the year 2023, is amended to read as follows:

5 § 10-157 [Bicycles] Delivery devices used for commercial purposes.

6 a. Definitions. For purposes of this section [and section 10-157.1], the following
7 terms have the following meanings:

8 [Bicycle. The term “bicycle” has the same meaning as in section 19-176, and also
9 means any wheeled device propelled exclusively by human power as well as any motor-assisted
10 device that is not capable of being registered by the New York state department of motor vehicles.

11 Bicycle operator. The term “bicycle operator” means a person who delivers
12 packages, parcels, papers, or articles of any type by bicycle on behalf of a business using a bicycle
13 for commercial purposes and who is paid by such business.]

14 Business using a [bicycle] delivery device for commercial purposes. The term
15 “business using a [bicycle] delivery device for commercial purposes” means a person [, firm,

1 partnership, joint venture, association, corporation,] or [other] entity that, either on behalf of itself
2 or others, [delivers packages, parcels, papers, or articles of any type by bicycle] facilitates, offers
3 or arranges for the delivery of goods by delivery device. Nothing contained in this section shall be
4 construed as applying to persons under the age of sixteen who use a bicycle only to deliver daily
5 newspapers or circulars.

6 Compliant battery. The term “compliant battery” has the same meaning as set forth
7 in section 19-1200.

8 Compliant delivery device. The term “compliant delivery device” has the same
9 meaning as set forth in section 19-1200.

10 Delivery device. The term “delivery device” has the same meaning as set forth in
11 section 19-1200.

12 Delivery device operator. The term “delivery device operator” means a natural
13 person or any organization composed of no more than 1 natural person, whether incorporated or
14 employing a trade name, who is employed or retained by a business using a delivery device for
15 commercial purposes to deliver goods by delivery device in exchange for compensation.

16 Goods. The term “goods” has the same meaning as set forth in section 19-1200.

17 Motorized scooter. The term “motorized scooter” means a “motorized scooter” as
18 the term is defined in section 19-176.2.

19 Non-compliant delivery device. The term “non-compliant delivery device” has the
20 same meaning as set forth in section 19-1200.

21 Retained. The term “retained” means hired, or retained or engaged, as an
22 independent contractor.

1 b. Contact information for businesses without a site in the city. A business using a
2 [bicycle] delivery device for commercial purposes that does not have a site within the city that is
3 open and available to the public must provide to the department of transportation, upon a form
4 prescribed by the department, the following information:

5 (1) the name under which such business is authorized to do business in the state,
6 pursuant to the business corporation law,

7 (2) the registered agent upon whom process against such business may be served
8 and the address of such agent, or, if the business has designated the secretary of state as its agent
9 for receiving such process, the post office address to which the secretary of state may mail a copy
10 of such process, and

11 (3) any other information requested by the department.

12 c. [A business using a bicycle for commercial purposes must assign to each of its
13 bicycle operators a three digit identification number, except that the department of transportation
14 may promulgate a rule to require an identification number with four or more digits Such business
15 must issue to each of its bicycle operators an identification card that contains the name,
16 identification number and photo of the bicycle operator and the name, address and telephone
17 number of such business. A bicycle operator shall carry such identification card while making
18 deliveries or otherwise operating a bicycle on behalf of any such business. A bicycle operator shall
19 be required to produce such identification card upon the demand of an authorized employee of the
20 police department or department of transportation, or any other person authorized by law.

21 d.] Roster. A business using a [bicycle] delivery device for commercial purposes
22 that is not a commercial delivery service required to be licensed pursuant to chapter 12 of title 19
23 of this code shall maintain a roster of [its bicycle operators] each delivery device operator that has

1 completed a delivery on behalf of such business in accordance with this subdivision. Such business
2 shall include on such roster information for each such delivery worker for no less than 30 days
3 following the most recent date on which such delivery worker delivered goods on behalf of such
4 business. Such roster shall include for each such [bicycle] delivery device operator: name; [home
5 address; start date; discharge date, if applicable; identification number; and] phone number; email
6 address; most recent date on which such delivery device operator delivered goods on behalf of
7 such business; date of completion of the [bicycle] delivery device safety course required by
8 [paragraph 3 of] subdivision e of this section; brand, model and type of any delivery device used
9 by such delivery device operator; where applicable law requires a license, registration or insurance
10 for the operation of such delivery device, proof of such license, registration or insurance; and any
11 other information the department of transportation may prescribe by rule as necessary to promote
12 compliance with this section. Such roster shall be made available for inspection upon request of
13 an authorized employee of the police department or department of transportation or any other
14 person authorized by law.

15 [e.] d. Safety equipment. (1) A business using a [bicycle] delivery device for
16 commercial purposes shall provide at its own expense or ensure the availability of [protective
17 headgear suitable for each of its bicycle operators] safety equipment in accordance with this
18 subdivision and rules promulgated by department of transportation. Such business may not require
19 any [of its bicycle operators] delivery device operator to provide such [headgear] safety equipment
20 at such operator's expense. Such [headgear] safety equipment shall include, but need not be limited
21 to:

22 (i) [meet] protective headgear that meets the standards set forth by the consumer
23 product safety commission in title 16, part 1203 of the code of federal regulations; and

1 (ii) [be replaced if such headgear is no longer in good condition. Headgear is no
2 longer in good condition if it is missing any of its component parts or is otherwise damaged so as
3 to impair its functionality] retro-reflective apparel.

(2) Each [bicycle] delivery device operator shall wear [protective headgear] safety
5 equipment that meets the requirements of paragraph 1 of this subdivision while making deliveries
6 or otherwise operating a [bicycle] delivery device on behalf of a business using a [bicycle] delivery
7 device for commercial purposes. [The term "wear protective headgear" means having the headgear
8 fastened securely upon the head with the headgear straps.

9 (3) Each bicycle operator shall complete a bicycle safety course prior to making
10 deliveries or otherwise operating a bicycle on behalf of a business using a bicycle for commercial
11 purposes. For purposes of this section, "bicycle safety course" shall mean information provided by
12 the department of transportation regarding safe bicycling and adherence to traffic and commercial
13 bicycle laws.

14 (4) The commissioner of transportation shall post on the department of
15 transportation's website the content of the bicycle safety course required by this section.

16 f. A business using a bicycle for commercial purposes, notwithstanding that a
17 bicycle may be provided by any of its bicycle operators, shall provide at its own expense or ensure
18 that each bicycle is equipped with: a lamp; a bell or other device capable of giving an audible
19 signal from a distance of at least one hundred feet, provided however that a siren or whistle shall
20 not be used; brakes; reflective tires or, alternately, a reflex reflector mounted on the spokes of each
21 wheel; as well as other devices or material in accordance with section 1236 of the vehicle and
22 traffic law. Such business may not require any of its bicycle operators to provide such equipment
23 at such operator's expense.

1 g.] (3) A business using a delivery device for commercial purposes shall require
2 that each delivery device operator that delivers goods on behalf of such business uses the safety
3 equipment such delivery device operator is required to wear pursuant to paragraph (2) of this
4 subdivision.

5 e. Safety course. (1) A business using a delivery device for commercial purposes
6 that is not a commercial delivery service required to be licensed pursuant to chapter 12 of title 19
7 of this code shall provide each delivery device operator that delivers goods on behalf of such
8 business a course on the safe operation of a delivery device and on applicable laws and rules
9 relating to operating such a device. Such service shall provide such course to such a delivery device
10 operator prior to such operator delivering goods on behalf of such business. The department of
11 transportation prescribe by rule the content and information required to be included in such course.

12 (2) The department of transportation shall post on its website a course on the safe
13 operation of a delivery device and applicable laws and rules relating to operating such a device.
14 Such course and any accompanying materials shall be made available in English, the designated
15 citywide languages as defined in section 23-1101, and any other languages as determined relevant
16 by the department of transportation. A business using a delivery device for commercial purposes
17 may use such course to comply with paragraph (1) of this subdivision.

18 f. Violations. (1) A business using a [bicycle] delivery device for commercial
19 purposes shall be responsible, in accordance with rules of the department of transportation, for the
20 compliance with the provisions of this section [of its bicycle operators.

21 (1) Violation of any of the provisions of this section by any such business, or of any
22 of the rules or regulations that may be promulgated pursuant hereto, shall be a violation triable by
23 a judge of the criminal court of the city of New York and upon conviction thereof shall be

1 punishable by a fine of not less than \$100 nor more than \$250 or imprisonment for not more than
2 15 days or both such fine and imprisonment.

3 (2) Any] by any delivery device operator that performs a delivery on behalf of such
4 business. Any such business that violates any of the provisions of this section or any of the rules
5 promulgated pursuant hereto[, except subdivision d of this section and any of the rules promulgated
6 pursuant to such subdivision,] shall be subject to a civil penalty of [\$100] \$500. Any such business
7 that violates a provision of this section or rule promulgated pursuant hereto more than 30 days and
8 less than 2 years after such business has already violated the same provision or rule shall be subject
9 to an additional civil penalty of [\$250. Any such business that violates subdivision d of this section
10 or any of the rules promulgated pursuant hereto shall be subject to a civil penalty of \$100, except
11 that with respect to first time violations of such subdivision, the commissioner of transportation
12 shall notify such business of such violation and request that action be taken to correct such
13 violation in such a manner within 30 days and shall afford such business an opportunity to contest
14 the commissioner's finding in a manner set forth in the rules of the department of transportation.
15 Civil penalties issued pursuant to this paragraph may be in addition to any criminal penalty
16 imposed, and shall be recoverable against such business in an action or proceeding in any court or
17 tribunal of competent jurisdiction or the environmental control board.

18 h.] \$1,000. Any penalty pursuant to this paragraph shall be imposed per delivery
19 device operator and per instance for each violation and shall be recoverable against such business
20 in an action or proceeding in any court or tribunal of competent jurisdiction or the office of
21 administrative trials and hearings.

22 (2) Notwithstanding paragraph (1) of this subdivision, for each violation of
23 subdivision d, e, or h of this section or any rule promulgated pursuant thereto, a business using a

1 delivery device for commercial purposes shall be liable for a civil penalty of \$1,000. Any such
2 business that violates a provision of any such subdivision or rule promulgated pursuant thereto
3 more than 30 days and less than 2 years after such business has violated the same provision or rule
4 shall be subject to an additional civil penalty of \$2,000. Any penalty pursuant to this paragraph
5 shall be imposed per delivery device operator and per instance for each violation.

6 g. Requirement to wear or utilize safety equipment. Any [bicycle] delivery device
7 operator who makes deliveries or otherwise operates a [bicycle] delivery device on behalf of a
8 business using a [bicycle] delivery device for commercial purposes [without carrying the
9 identification card required by subdivision c of this section, or who fails to produce such
10 identification card upon demand pursuant to such subdivision, or] who fails to wear [protective
11 headgear] or utilize the safety equipment required by subdivision [e] d of this section [or the retro-
12 reflective apparel required by subdivision i of this section,] shall be guilty of a traffic infraction
13 and upon conviction thereof shall be liable for a fine of not less than \$25 nor more than \$50. It
14 shall be an affirmative defense to such traffic infraction that such business did not provide the
15 [protective headgear, the identification card or the retro-reflective apparel required by subdivisions
16 c, e or i of this section] safety equipment required by subdivision d of this section. Such traffic
17 infraction may be adjudicated by an administrative tribunal authorized under article 2-A of the
18 vehicle and traffic law.

19 [i. A business using a bicycle for commercial purposes shall provide for and require
20 each of its bicycle operators to wear, and each such bicycle operator shall wear, a retro-reflective
21 jacket, vest, or other wearing apparel on the upper part of such operator's body as the outermost
22 garment while making deliveries or otherwise operating a bicycle on behalf of such business, the
23 back of which shall indicate such business's name and such bicycle operator's individual

1 identification number as assigned pursuant to subdivision c of this section in lettering and numerals
2 not less than one inch in height so as to be plainly readable at a distance of not less than ten feet.

3 j.] h. Device safety. On and after December 1, 2026, a business using a delivery
4 device for commercial purposes shall require a delivery device operator using a delivery device to
5 deliver goods on behalf of such business:

6 (1) To use only a compliant delivery device;

7 (2) To use only a delivery device that has a compliant battery, where such operator
8 uses a delivery device powered by battery to deliver goods on behalf of such business; and

9 (3) To submit to such business proof of any license, registration or insurance
10 required by applicable law for the legal operation of any delivery device such operator uses to
11 deliver goods on behalf of such business.

12 i. The provisions of this section shall be enforceable by an authorized employee of
13 the police department, [or] department of transportation, or any other person authorized by law.

14 [k.] j. A business using a [bicycle] delivery device for commercial purposes shall
15 not possess any motorized scooter and shall not permit any person to operate a motorized scooter
16 on behalf of such business. A business using a [bicycle] delivery device for commercial purposes
17 shall be liable for any violation of subdivision b of section [19-176.2(b)] 19-176.2 committed by
18 any [person] delivery device operator operating a motorized scooter on behalf of such business.
19 [For purposes of this section, “motorized scooter” shall be as defined in section 19-176.2.]

20 k. A business using a delivery device for commercial purposes shall not require a
21 delivery device operator to indemnify or hold harmless such business for any claims, demands,
22 damages, suits, losses, liabilities and causes of action arising directly or indirectly from, as a result

1 of or in connection with the actions of such delivery device operator performing deliveries on
2 behalf of such business.

3 1. A business using a [bicycle] delivery device for commercial purposes shall
4 provide to [its bicycle operators] any delivery device operator that delivers goods on behalf of such
5 business the materials identified by the department of consumer and worker protection pursuant to
6 subdivision a of section 20-1525. [Unless such business has already provided such materials
7 pursuant to subdivision b of section 20-1525, such business shall provide such materials to its
8 bicycle operators no later than sixty days after such department publishes such materials pursuant
9 to subdivision a of section 20-1525.] Such materials shall be provided in English, the designated
10 citywide languages as defined in section 23-1101, and any additional languages in which such
11 materials have been published by the department of consumer and worker protection.

12 § 2. Section 10-157.1 of the administrative code of the city of New York is
13 REPEALED.

14 § 3. Title 19 of the administrative code of the city of New York is amended by
15 adding a new chapter 12 to read as follows:

16 CHAPTER 12

17 COMMERCIAL DELIVERY SERVICE

18 § 19-1200 Definitions.

19 For purposes of this chapter, the following terms have the following meanings:

20 Commercial delivery service. The term “commercial delivery service” means a
21 person or entity that: (i) facilitates, offers or arranges for the delivery of goods to or from a location
22 in the city to a customer where any portion of the trip is performed using a delivery device; and

1 (ii) is owned or operated by a person or entity other than the person or entity that sells or provides
2 such goods.

3 Compliant battery. The term “compliant battery” means a battery for a delivery
4 device that is in compliance with applicable laws, rules and regulations, including a storage battery
5 that meets the standards for distribution, sale, lease or rental pursuant to subdivision c of section
6 20-610.

7 Compliant delivery device. The term “compliant delivery device” means a delivery
8 device that is in compliance with applicable law, rules and regulations, including a powered
9 mobility device that meets the standards for distribution, sale, lease or rental pursuant to section
10 20-610.

11 Customer. The term “customer” means a person or entity that places an order for,
12 accepts or receives goods delivered by, through or with the assistance of a commercial delivery
13 service.

14 Delivery device. The term “delivery device” means a bicycle as defined in section
15 102 of the vehicle and traffic law, a bicycle with electric assist as defined in section 102-c of the
16 vehicle and traffic law, an electric scooter as defined in section 114-e of the vehicle and traffic
17 law, a limited-use motorcycle as defined in section 121-b of the vehicle and traffic law, a
18 motorcycle as defined in section 123 of the vehicle and traffic law, a pedal-assist commercial
19 bicycle as defined in section 4-01 of title 34 of the rules of the city of New York, a personal
20 mobility device powered by a lithium-ion or other battery, or a personal mobility device propelled
21 exclusively by human power, provided that the term “delivery device” does not include
22 wheelchairs or other mobility devices designed for use by persons with disabilities.

1 Delivery worker. The term “delivery worker” means a natural person, or any
2 organization composed of no more than 1 natural person, whether incorporated or employing a
3 trade name, who is employed or retained by a commercial delivery service to deliver goods to a
4 customer in exchange for compensation.

5 Goods. The term “goods” means 1 or more items, parcels, packages, products, or
6 articles of any type, including but not limited to food, beverages, groceries, or papers.

7 Non-compliant battery. The term “non-compliant battery” means a battery for a
8 delivery device other than a compliant battery.

9 Non-compliant delivery device. The term “non-compliant delivery device” means
10 a delivery device other than a compliant delivery device.

11 Retained. The term “retained” means hired, retained or engaged as an independent
12 contractor.

13 Trip. The term “trip” means the time spent, distance travelled, and route followed
14 to deliver goods to a customer by, through or with the assistance of a commercial delivery service,
15 including, but not limited to, travel to 1 or more pick-up locations; selecting, preparing,
16 assembling, waiting for, and picking up the goods for delivery; and travel to and unloading and
17 depositing such goods at 1 or more drop-off locations, including any time spent waiting for the
18 goods to be retrieved by a customer or other person, provided the term “trip” shall not include any
19 time spent, distance travelled or route followed by a vehicle that is required by federal or state law,
20 rule or regulation to be registered with the federal motor carrier safety administration.

21 § 19-1201 Commercial delivery service license.

1 a. License. It shall be unlawful for any person to operate a commercial delivery
2 service without first having obtained a commercial delivery service license from the commissioner
3 pursuant to this section.

4 b. The term of a license issued pursuant to this section shall be 2 years. There shall
5 be a biennial fee of \$200 for such a license.

6 c. Application. An application for a license to operate a commercial delivery
7 service pursuant to this section or for any renewal thereof shall be made to the commissioner, in
8 such form or manner as the commissioner shall prescribe by rule. The department may require by
9 rule that an applicant for such a license submit such an application electronically. Such application
10 shall include, but need not be limited to:

11 1. The address of the applicant and, if the applicant does not reside within the city,
12 the name and address of a registered agent within the city upon whom process or other notifications
13 may be served;

14 2. An e-mail address to which the department may send notifications or other
15 correspondence, and;

16 3. A compliance plan, in such form and manner as the commissioner shall prescribe
17 by rule, specifying the manner in which the applicant will comply with the requirements of this
18 chapter and any rule promulgated by the department pursuant to this chapter.

19 § 19-1202 Requirements of a commercial delivery service license.

20 a. A commercial delivery service licensed pursuant to this chapter shall comply
21 with the provisions of this chapter, any rule promulgated by the department pursuant to this
22 chapter, and all applicable laws, rules and regulations, including but not limited to, section 10-157.

1 b. Safety training. A commercial delivery service licensed pursuant to this chapter
2 shall provide, at a frequency and in such form as the department shall prescribe, training to a
3 delivery worker employed or retained by such commercial delivery service. Such training shall
4 include, but need not be limited to, instruction regarding the proper use of safety equipment when
5 operating a delivery device, best practices for safe charging and storage of batteries for delivery
6 devices, applicable laws and rules governing the operation of delivery devices, and any other
7 required topic the department shall prescribe.

8 c. Safe device access program. On or before June 1, 2026, a commercial delivery
9 service licensed pursuant to this chapter shall establish and administer a safe device access program
10 to provide each delivery worker who is employed or retained by such commercial delivery service
11 and who meets the eligibility requirements established by the department pursuant to paragraph 2
12 access to a compliant delivery device at no cost to such delivery worker.

13 1. Any such safe device access program shall be approved by the department in
14 accordance with this section and any rules promulgated by the department hereunder.

15 2. The department shall establish eligibility requirements for a delivery worker to
16 obtain access to a compliant delivery device from a safe device access program. Such eligibility
17 requirements shall be designed to further the purpose of ensuring access to a compliant delivery
18 device by any delivery worker that is meaningfully engaged in the work of delivering goods. Such
19 eligibility requirements may include, but need not be limited to, a minimum number of trips that a
20 delivery worker has completed for a commercial delivery service or a minimum length of time a
21 delivery worker has been employed or retained by such commercial delivery service.

22 3. A commercial delivery service shall submit to the department, in a form and
23 manner specified by the department and no later than a date prescribed by the department, a

1 proposal for a safe device access program. Such program may include 1 or more of the following
2 components, provided the department may promulgate rules to set forth additional requirements
3 for each such component:

4 (a) The provision of a compliant delivery device and, where applicable, a compliant
5 battery, by a commercial delivery service to a delivery worker that provides a non-compliant
6 delivery device or non-compliant battery to such service;

7 (b) The provision of a subsidy by a commercial delivery service to a delivery
8 worker that provides a non-compliant delivery device or a non-compliant battery to such service,
9 provided the subsidy is used for the purchase or lease of a compliant delivery device or compliant
10 battery, a subscription to a program or service that allows a delivery worker to exchange a depleted
11 or discharged compliant battery for a charged compliant battery for use in the delivery device of
12 such worker, or for such other use resulting in the delivery worker having access to a compliant
13 delivery device, as prescribed in rules of the department; or

14 (c) Other components as approved by the department.

15 d. Roster. A commercial delivery service licensed pursuant to this chapter shall
16 maintain and submit to the department, at a frequency determined by the department, a roster of
17 each delivery worker employed or retained by such service during a period of time determined by
18 the department. Such roster shall include for each such delivery worker:

19 1. The name, phone number, and email address of such delivery worker;

20 2. The brand, model, and type of any delivery device such delivery worker uses,
21 and, where applicable law requires a license, registration or insurance for the operation of any such
22 delivery device, proof of such license, registration or insurance;

1 3. The date the commercial delivery service provided the safety training as required
2 by subdivision b of this section to such delivery worker;

3 4. Whether the commercial delivery service has provided such delivery worker a
4 compliant delivery device through a safe device access program pursuant to subdivision c of this
5 section; and

6 5. Any other relevant information the department shall prescribe by rule.

7 e. Identification number and card. A commercial delivery service licensed pursuant
8 to this chapter shall assign an unique identification number to each delivery worker included on
9 the roster of such service, in accordance with this subdivision and rules promulgated by the
10 department.

11 1. The department may prescribe the form of identification number to be assigned
12 to a delivery worker by a commercial delivery service, including requiring a minimum number of
13 digits or letters or the inclusion of 1 or more digits or letters in any such identification number.
14 The department may by rule require a commercial delivery service to assign to a delivery worker
15 that has previously been assigned an identification number by another commercial delivery service
16 the same such identification number, unless such service has previously assigned such number to
17 a different delivery worker.

18 2. A commercial delivery service shall provide an identification card to each
19 delivery worker employed or retained by such service. Such identification card shall contain the
20 name, identification number and photo of the delivery worker and the contact information for the
21 commercial delivery service that provided such card, including an email address, phone number,
22 and mailing address for such service. Such identification card may be provided in digital form, in
23 accordance with rules promulgated by the department.

1 3. A delivery worker employed or retained by a commercial delivery service shall
2 carry an identification card issued by such service pursuant to this subdivision when such delivery
3 worker delivers goods for such service. At such times, a delivery worker shall display such
4 identification card upon the request of an authorized employee of the department or the police
5 department, or any other person authorized by law.

6 f. Device verification. A commercial delivery service licensed pursuant to this
7 chapter shall verify, at a frequency determined by the department, that a delivery worker included
8 on the roster of such service pursuant to subdivision d of this section, when delivering goods on
9 behalf of such service, uses a delivery device that is identified for such delivery worker on such
10 roster.

11 g. Data. A commercial delivery service licensed pursuant to this chapter shall
12 submit to the department, in accordance with applicable law and at a frequency and in a format
13 prescribed by the department, data for each trip made in whole or in part in the city. Such data
14 shall include, for each trip:

15 1. The identification number of the delivery worker;
16 2. The date and time the commercial delivery service received a request or order
17 for the delivery of goods;

18 3. The date and time the delivery worker accepted the request or order or otherwise
19 agreed to deliver the goods, and the location of the delivery worker at such date and time;

20 4. The date, time, and location of pick-up of the goods;

21 5. The date, time, and location of drop-off of the goods;

22 6. Any maximum amount of time allowed by the commercial delivery service for
23 the delivery worker to arrive at the location of pick-up or to complete the trip;

1 7. A series of data points recorded using a global positioning system or comparable
2 location tracking technology that shows the route taken by the delivery worker to complete the
3 trip;

4 8. The type of delivery device or vehicle used by the delivery worker to complete
5 the trip;

6 9. The date of the most recent verification by the commercial delivery service of
7 the device of the delivery worker pursuant to subdivision f of this section; and

8 10. Any other relevant data the department shall prescribe by rule.

9 h. Crashes and incidents. A commercial delivery service licensed pursuant to this
10 chapter shall submit to the department, at a frequency and in a format determined by the
11 department, information about any crash or other safety incident involving a delivery worker
12 performing a trip on behalf of such commercial delivery service. Such information shall include,
13 but not be limited to, the date, time and location of such crash or safety incident and the any data
14 for such trip required pursuant to paragraph g of this section.

15 i. The department may promulgate rules as necessary to implement this section,
16 including, but not limited to, rules relating to: (i) the required frequency and form of the safety
17 training pursuant to subdivision b, and any topic required to be included in such training; (ii)
18 eligibility requirements for a delivery worker to obtain access to a compliant delivery device from
19 a safe device access program pursuant to subdivision c, the required form and submission date of
20 any proposal for such a program by a commercial delivery service, and any additional requirements
21 for any component of any such program; (iii) the frequency at which a commercial delivery service
22 shall submit a roster pursuant to subdivision d, the period of time to which each roster shall apply,
23 and additional information required to be included on such roster; (iv) the form of identification

1 number a commercial delivery service shall assign to a delivery worker pursuant to subdivision e;
2 (v) the required frequency of device verification as required by subdivision f; (vi) the required
3 frequency and form of data submission pursuant to subdivision g; and (vii) the required frequency
4 and form of crash and safety incident information pursuant to subdivision h.

5 § 19-1203 Safe delivery requirements.

6 a. The department shall establish by rule requirements relating to safety for the
7 delivery of goods delivered by, through or with the assistance of a commercial delivery service.
8 Such requirements may include, but need not be limited to:

9 1. Minimum allowable amounts of time for a delivery worker to complete a trip;

10 2. Limitations on any incentives or penalties a commercial delivery service
11 provides to or imposes on a delivery worker that may encourage such delivery worker to complete
12 a trip within a prescribed period of time or to engage in unsafe or illegal behavior while operating
13 a delivery device to complete a trip; and

14 3. Procedures and measures for identifying, reporting, and preventing hazards to
15 delivery workers and for promoting traffic safety.

16 b. In establishing such requirements, the department may consider data provided to
17 the department pursuant to subdivision g of section 19-1202, information regarding crashes and
18 other safety incidents provided to the department pursuant to subdivision h of section 19-1202,
19 and any other relevant information as determined by the department.

20 § 19-1204 Civil penalties.

21 a. Any person found to be operating a commercial delivery service without a license
22 issued by the department pursuant to this chapter shall be subject to a civil penalty of up to \$10,000.

1 b. Any holder of a commercial delivery service license who violates any provision
2 of this chapter shall be subject to a civil penalty not to exceed \$500 for a first violation, and \$1,000
3 for a second or any subsequent violation within a 2-year period.

4 c. The department may, after providing notice and an opportunity to be heard,
5 suspend or revoke a license issued pursuant to this chapter for:

6 1. Three or more violations of the same provision of this chapter or of any rule of
7 the department promulgated under this chapter within a 2-year period;

8 2. Six or more violations of any provision of this chapter or of any rule of the
9 department promulgated under this chapter within a 2-year period;

10 3. Two or more violations of any provision of subchapter 16 of chapter 4 of title 20
11 of this code or of any rule promulgated thereunder within a 2-year period; or

12 4. Two or more violations of any provision of chapter 15 of title 20 of this code or
13 of any rule promulgated thereunder within a 2-year period.

14 d. The civil penalties provided for in this section may be recovered in a proceeding
15 before the office of administrative trials and hearings in accordance with the rules of such office
16 or in a civil action in any court of competent jurisdiction.

17 e. The office of administrative trials and hearings shall have the power to impose
18 the civil penalties provided for in this section. A proceeding before such office to recover civil
19 penalties provided by this section shall be commenced by the service of a notice of violation
20 returnable before such office.

21 § 4. Subchapter 36 of chapter 2 of title 20 of the administrative code of the city of
22 New York is renumbered as subchapter 16 of chapter 4 of such title 20, and sections 20-563, 20-
23 563.2, 20-563.3, 20-563.4, 20-563.5, 20-563.6, 20-563.7, 20-563.8, 20-563.10, 20-563.11, and 20-

1 563.12, are renumbered sections 20-699.30, 20-699.31, 20-699.32, 20-699.33, 20-699.34, 20-
2 699.35, 20-699.36, 20-699.37, 20-699.38, 20-699.39, and 20-699.40, respectively:

3 § 5. Sections 20-563.1, 20-563.9 and 20-563.13 of the administrative code of the
4 city of New York are REPEALED.

5 § 6. The definitions of the terms “base wage,” “food service establishment,”
6 “gratuity,” and “toilet facility” in section 20-699.30 of the administrative code of the city of New
7 York, such section as added by local law number 100 for the year 2021 and renumbered by section
8 four of this local law, the definitions of the terms “base wage” and “gratuity” as added by local
9 law number 110 for the year 2021, and the definition of the term “toilet facility” as added by local
10 law number 117 for the year 2021, are amended to read as follows:

11 [Base wage. The term “base wage” means money paid, whether by the hour or
12 otherwise, to a food delivery worker by a third-party food delivery service in exchange for work
13 performed, not including gratuities, bonuses, allowances, shift differentials or other monetary
14 payments that may contribute to such food delivery worker’s total compensation.]

15 Food service establishment. The term “food service establishment” means a
16 business establishment located in the city where food is provided for individual portion service
17 directly to the consumer whether such food is provided free of charge or sold, and whether
18 consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle.

19 Gratuity. The term “gratuity” means a sum of money (i) paid voluntarily by a
20 customer when placing an online order or after delivery of such online order, (ii) that is in addition
21 to the purchase price and other mandatory charges such as taxes and fees, (iii) the amount of which
22 the customer may choose, and (iv) that is referred to on the third-party food delivery platform as a
23 gratuity, tip or other similar term that would suggest to a reasonable person that the sum, or a

1 substantial portion thereof, would be received by the food delivery worker delivering goods in
2 addition to [such food delivery worker's base wage] any compensation from a third-party food
3 delivery service.

4 [Toilet facility. The term "toilet facility" means a toilet facility on the premises of
5 a food service establishment that is a dedicated facility for its patrons or that is a dedicated
6 facility for its employees to the extent such establishment does not have a dedicated facility for
7 its patrons.]

8 § 7. Section 20-699.31 of the administrative code of the city of New York, as
9 amended by local law number 110 for the year 2021 and renumbered by section four of this local
10 law, is amended to read as follows:

11 § 20-699.31 [Issuance of license and certain restrictions] Restriction on third-party
12 food delivery service [conduct] solicitation of gratuities.

13 [a. A license to operate a third-party food delivery service shall be granted in
14 accordance with the provisions of this subchapter and any rules promulgated by the commissioner
15 thereunder.

16 b. Restrictions on third-party food delivery service operations.

17 1.] It shall be unlawful for a third-party food delivery service to solicit a gratuity
18 for a food delivery worker hired, retained or engaged by such third-party food delivery service
19 from a customer in connection with an online order unless such third-party food delivery service
20 discloses, in plain language and in a conspicuous manner, [the following information] before or at
21 the same time as such gratuity is solicited[:

22 (i) The proportion or fixed amount of each gratuity that is distributed to a food
23 delivery worker who delivers the goods purchased; and

1 (ii) How] how such gratuity will be distributed to the food delivery worker,
2 including whether such gratuity will be distributed immediately or otherwise, and whether such
3 gratuity will be distributed in cash or otherwise.

4 [2. For each transaction, a food delivery worker hired, retained or engaged by a
5 third-party food delivery service shall be notified of how much the customer paid as gratuity, if
6 such customer paid additional gratuity, and if such customer decided to remove the gratuity and
7 the reason for such removal, if such a reason is provided. Upon any change or payment of gratuity,
8 a third-party delivery service shall notify such food delivery worker and credit such gratuity to
9 such worker's account.

10 3. A third-party food delivery service shall disclose to a food delivery worker hired,
11 retained or engaged by such third-party food delivery service, the aggregate amount of
12 compensation and aggregate amount of gratuities earned by such food delivery worker on the day
13 after such compensation and gratuities were earned.]

14 § 8. Subdivision d of section 20-699.32 of the administrative code of the city of
15 New York, as added by local law number 103 for the year 2021, such section as renumbered by
16 section four of this local law, is amended to read as follows:

17 d. No later than September 30, 2023, and [every two years thereafter] no later than
18 September 30, 2026, the commissioner shall submit to the speaker of the council and the mayor a
19 report on the fee cap pursuant to this section, which shall include but not be limited to
20 [recommendations related to either the maintenance or adjustment of the fee cap as set forth in this
21 section, in consideration of factors from the immediately preceding two years, such as] the
22 following information and data:

1 1. The effect of the cap on third-party food delivery services and food service
2 establishments;

3 2. Whether the cap affects wages and working conditions for persons who deliver
4 food or beverages for third-party food delivery services;

5 3. Products that third-party food delivery services offer to food service
6 establishments for listing, processing and marketing;

7 4. The number of complaints made to the department related to the alleged
8 violations of this subchapter and the number of violations issued under this subchapter;

9 5. The total amount of penalties imposed as a result of violations of this subchapter;
10 and

11 6. The amount of restitution recovered on behalf of food service establishments
12 pursuant to this subchapter.

13 § 9. Section 20-699.35 of the administrative code of the city of New York, as added
14 by local law number 100 for the year 2021 and renumbered by section four of this local law,
15 subdivision b as amended by local law number 117 for the year 2021, is amended to read as
16 follows:

17 § 20-699.35 Unauthorized listings.

18 a. A third-party food delivery service shall not [list, advertise, promote, or] sell a
19 food service establishment's products on, or arrange for the delivery of an order of such products
20 through, the website, mobile application or other platform of such third-party food delivery service
21 without a written agreement between such third-party food delivery service and such food service
22 establishment to include the food service establishment's products on such website, mobile
23 application or other platform.

1 b. An agreement executed in accordance with this section [shall include a provision
2 requiring that a toilet facility is available for the use of food delivery workers lawfully on such
3 establishment's premises to pick up such establishment's food or beverage for consumer delivery,
4 except (i) where accessing the toilet facility would require a food delivery worker to walk through
5 such establishment's kitchen, food preparation or storage area or utensil washing area to access
6 such facility, pursuant to subdivision d of section 81.22 of the health code; (ii) where accessing
7 the toilet facility would create an obvious health and safety risk to the food delivery worker or to
8 the establishment; or (iii) any additional exceptions that the commissioner promulgates by rule.
9 Such agreement] shall not include a provision, clause, or covenant that requires a food service
10 establishment to indemnify a third-party food delivery service, any independent contractor acting
11 on behalf of the third-party food delivery service, or any registered agent of the third-party food
12 delivery service, for any damages or harm by an act or omission occurring after the food service
13 establishment's product leaves the place of business of the food service establishment. To the
14 extent an agreement executed in accordance with this section contains such a provision, such
15 provision shall be deemed void and unenforceable.

16 § 10. Subdivision a of section 20-699.37 of the administrative code of the city of
17 New York, as amended by local law number 110 for the year 2021, such section as renumbered
18 by section four of this local law, is amended to read as follows:

19 a. Every third-party food delivery service [required to be licensed under this
20 subchapter] shall maintain the following records in an electronic format for a period of at least
21 three years:

1 1. A roster of all food service establishments the third-party food delivery service
2 lists on its website, mobile application, or other third-party food delivery platform and has listed
3 on such website, mobile application, or other third-party food delivery platform;

4 2. All written agreements with a food service establishment;

5 3. Records listing itemized fees the third-party food delivery service has charged
6 each food service establishment with which the third-party food delivery service maintains an
7 agreement;

8 4. Such records related to the ownership of the third-party food delivery service as
9 the commissioner may prescribe by rule;

10 5. Records demonstrating compliance with the requirements set forth in
11 [subdivisions c, d and e of section 20-563.2 of this subchapter] section 20-699.31; and

12 6. Such other records as the commissioner may prescribe by rule.

13 § 11. Section 20-699.38 of the administrative code of the city of New York, as
14 added by local law number 100 for the year 2021 and renumbered by section four of this local law,
15 is amended to read as follows:

16 § 20-699.38 Enforcement, civil penalties and restitution.

17 [a.] Any person who violates, or causes another person to violate, a provision of
18 this subchapter or any rule promulgated pursuant thereto, shall be subject to a civil penalty that
19 shall not exceed \$500 for each violation, except that a person that violates any provision of
20 section [20-563.3] 20-699.32 or any rule promulgated pursuant thereto shall be subject to a civil
21 penalty that shall not exceed \$1,000 for each violation. Violations by third-party food delivery
22 services under this subchapter shall accrue on a daily basis for each day and for each food service
23 establishment with respect to which a violation of this subchapter or any rule promulgated pursuant

1 to this subchapter was committed. The department may also recover restitution on behalf of any
2 food service establishment harmed by a violation of this subchapter or any rules promulgated
3 pursuant to this subchapter by a third-party food delivery service. A proceeding to recover any
4 civil penalty or restitution authorized pursuant to this subchapter may be brought in any tribunal
5 established within the office of administrative trials and hearings or within any agency of the city
6 designated to conduct such proceedings.

7 § 12. Subdivision d of section 20-699.39 of the administrative code of the city of
8 New York, as added by local law number 100 for the year 2021, such section as renumbered by
9 section four of this local law, is amended to read as follows:

10 d. Nothing in this section prohibits a person alleging a violation of this subchapter
11 from filing a civil action pursuant to section [20-563.12] 20-699.40 based on the same facts as a
12 civil action commenced by the corporation counsel pursuant to this section.

13 § 13. Any agency or officer to which are assigned by or pursuant to this local law
14 any functions, powers, and duties shall exercise such functions, powers, and duties in continuation
15 of their exercise by the agency or officer by which the same were heretofore exercised and shall
16 have power to continue any business, proceeding or other matter commenced by the agency or
17 officer by which such functions, powers and duties were heretofore exercised. Any provision in
18 any law, rule, regulation, contract, grant or other document relating to the subject matter of such
19 functions, powers or duties, and applicable to the agency or officer formerly exercising the same
20 shall, so far as not inconsistent with the provisions of this local law, apply to the agency or officer
21 to which such functions, powers and duties are assigned by or pursuant to this local law.

22 § 14. Any rule or regulation in force on the effective date of this local law, and
23 promulgated by an agency or officer whose power to promulgate such type of rule or regulation is

1 assigned by or pursuant to this local law to some other agency or officer, shall continue in force as
2 the rule or regulation of the agency or officer to whom such power is assigned, except as such
3 other agency or officer may hereafter duly amend, supersede or repeal such rule or regulation.

4 § 15. No existing right or remedy of any character accruing to the city shall be lost
5 or impaired or affected by reason of the adoption of this local law.

6 § 16. No action or proceeding, civil or criminal, pending at the time when this local
7 law shall take effect, brought by or against the city or any agency or officer, shall be affected or
8 abated by the adoption of this local law or by anything herein contained; but all such actions or
9 proceedings may be continued notwithstanding that functions, powers and duties of any agency or
10 officer party thereto may by or pursuant to this local law be assigned or transferred to another
11 agency or officer, but in that event the same may be prosecuted or defended by the head of the
12 agency or the officer to which such functions, powers and duties have been assigned or transferred
13 by or pursuant to this local law.

14 § 17. Any license granted pursuant to a provision of the administrative code
15 repealed by section five of this local law in force on the effective date of this local law shall
16 continue in force in accordance with its terms and conditions until it expires or is suspended or
17 revoked by the appropriate agency or officer pursuant to this local law. Such license or revocable
18 consent shall be renewable in accordance with the applicable law by the agency or officer with
19 such power pursuant to this local law.

20 § 18. This local law shall apply to all licenses, permits or other authorizations in
21 force as of its effective date.

22 § 19. This local law takes effect 1 year after it becomes law.